

# HOUSE . . . . . No. 1898

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By Mr. Linsky of Natick, petition of David Paul Linsky and others  
for legislation to further regulate the issuance of licenses to carry  
firearms. Public Safety and Homeland Security.

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## The Commonwealth of Massachusetts

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### PETITION OF:

David Paul Linsky                      Ellen Story  
Alice K. Wolf

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In the Year Two Thousand and Five.

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AN ACT TO RESTRICT THE ISSUANCE OF LICENSES TO CARRY FIREARMS.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 121 of chapter 140 of the General Laws,  
2 as appearing in the 1998 Official Edition, is hereby amended by  
3 striking out the definition of “Conviction” and inserting in place  
4 thereof the following definition:—

5     “Conviction”, a finding or verdict of guilt or a plea of guilty,  
6 whether or not final sentence is imposed, or a continuation  
7 without a finding after a finding of sufficient facts to warrant a  
8 finding of guilty.

1     SECTION 2. Section 131 of said chapter 140, as so appearing,  
2 is hereby amended by striking out subsection (d) and inserting in  
3 place thereof the following subsection:—

4     (d) Any person residing or having a place of business within  
5 the jurisdiction of the licensing authority or any person residing in  
6 an area of exclusive federal jurisdiction located within a city or  
7 town may submit to such licensing authority or the colonel of  
8 state police, an application for a Class A or Class B license to  
9 carry firearms, or renewal of the same, which such licensing  
10 authority or said colonel may issue if it appears that the applicant  
11 is a suitable person to be issued such license, and that the appli-

12 cant has a good, specific and compelling reason to fear injury to  
13 his person or property, or may issue a license limited to the car-  
14 rying of firearms for use in sport or target practice only, subject to  
15 such restrictions expressed or authorized under this section, unless  
16 the applicant:

17 (i) has, in any state or federal jurisdiction, been convicted or  
18 adjudicated a youthful offender or delinquent child for the com-  
19 mission of (a) a felony; (b) a misdemeanor punishable by impris-  
20 onment for more than one year; (c) a violent crime as defined in  
21 section 121; (d) a violation of any law regulating the use, posses-  
22 sion, ownership, transfer, purchase, sale, lease, rental, receipt or  
23 transportation of weapons or ammunition for which a term of  
24 imprisonment may be imposed; or (e) a violation of any law regu-  
25 lating the use, possession or sale of controlled substances as  
26 defined in section 1 of chapter 94C;

27 (ii) has been confined to any hospital or institution for mental  
28 illness, unless the applicant submits with his application an affi-  
29 davit of a registered physician attesting that such physician is  
30 familiar with the applicant's mental illness and that in such physi-  
31 cian's opinion the applicant is not disabled by such an illness in a  
32 manner that should prevent such applicant from possessing a  
33 firearm;

34 (iii) is or has been under treatment for or confinement for sub-  
35 stance or alcohol abuse unless such applicant is deemed to be  
36 cured of such condition by a licensed physician, and such appli-  
37 cant may make application for such license after the expiration of  
38 five years from the date of such confinement or treatment and  
39 upon presentment of an affidavit issued by such physician stating  
40 that such physician knows the applicant's history of treatment and  
41 that in such physician's opinion the applicant is deemed cured;

42 (iv) is at the time of the application less than 21 years of age;

43 (v) is an alien;

44 (vi) is currently subject to: (A) an order for suspension or sur-  
45 render issued pursuant to section 3B or 3C of chapter 209A or a  
46 similar order issued by another jurisdiction; or (B) a permanent or  
47 temporary protection order issued pursuant to chapter 208 or  
48 chapter 209A or a similar order issued by another jurisdiction; or

49 (vii) is currently the subject of an outstanding arrest warrant in  
50 any state or federal jurisdiction.

51 (viii) has not successfully completed a firearms safety course of  
52 at least twenty hours, including a minimum of four hours of prac-  
53 tical shooting instruction at a firing range that has been approved  
54 by the secretary of public safety or his designee.